II. PLANS AND POLICIES

This section briefly describes adopted regional and local plans for the area and the project's consistency with them.

A. BAY AREA CLEAN AIR PLAN

The Bay Area Clean Air Plan (CAP) was adopted in response to requirements of the California Clean Air Act (CCAA) of 1988 as amended. Prepared by the Bay Area Air Quality Management District (BAAQMD) in cooperation with the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG), the plan is intended to reduce the health impacts of ozone in ambient air.

The strategy of the CAP is to implement all feasible measures on an expeditious schedule to reduce pollutant emissions as quickly as possible. Control measures in the CAP will reduce two precursors to the formation of ozone - reactive organic gases (ROG) and oxides of nitrogen (NO_x). The plan includes increasingly stringent State and Federal programs affecting motor vehicles, fuel and other sources and associated turnover of the motor vehicle fleet; more stringent controls on polluting industries and businesses; reformulation of paints and consumer products to reduce volatile pollutant content; programs to reduce automobile use and traffic congestion; and efforts to maintain and improve public transit systems and to encourage development patterns that reduce automobile dependence. At a minimum, ozone pollutants must be reduced by 5 percent annually, or all feasible measures to achieve emission reduction must be taken.

Revised San Francisco Bay Area Ozone Attainment Plan for the 1-Hour National Ozone Standard

The Revised San Francisco Bay Area Ozone Attainment Plan was adopted on October 24, 2001 to respond to the U.S. Environmental Protection Agency's (EPA) partial disapproval of the Bay Area's 1999 Ozone Attainment Plan and finding of failure to attain the national ambient air quality standard for ozone; and to establish an ozone attainment plan, including a new emissions inventory and commitments to adopt and implement additional control measures, to attain the standard by 2006, the attainment deadline. The control strategy of the Plan includes 7 stationary source measures, 12 mobile source measures, and 5 transportation control measures. These measures, in combination with previous State Implementation Plan measures and considering growth in all pollution sources in the region, will result in a reduction of Volatile Organic Compounds (VOC) emissions of 121 tons per day and a reduction in oxides of nitrogen (NO_x) emissions by 124 tons per day from 2000 to 2006. Contingency measures are proposed in the event these additional measures do not achieve air quality consistent with attainment by 2006. The project conforms to the basis of the Plan because it conforms with the City's General Plan. While none of the measures directly applies to the project, it would provide housing near transit, bicycle and pedestrian facilities that are candidates for enhancement under the Plan. **The proposed project would not conflict with the implementation of the Plan.**

B. THE CITY OF SANTA CLARA GENERAL PLAN 2000 - 2010

The City of Santa Clara General Plan 2000 - 2010 was adopted by the City Council on July 23, 2002, replacing the General Plan 1990 - 2005 that was adopted in July, 1992. The purpose of the General Plan is to formally state the development and redevelopment policies of the City and set forth a framework of principles and standards, policies and programs that will guide future decisions affecting the development, maintenance and land use management of the City so as to create a desirable environment for living, working and playing, and acceptably locate those facilities which contribute to the social, economic and cultural goals of the community. The General Plan will guide the City's development and quality of life through the year 2010, as well as prepare the City for issues that may extend beyond that date.

The General Plan is made up of a text, diagrams and other illustrations. The Plan includes five major sections that represent a consolidation of the State-mandated elements: Land Use, Housing, Transportation, Environmental Quality, and Public Facilities and Services. The goals, which are the desired future conditions, are long-range in nature; while the policies guide day-to-day decision making so that there is a continuing progress toward the attainment of the goals. There are approximately 100 policies within these sections. The major policies that are applicable to the proposed project follow along with a discussion of the project's consistency.

The land use designation for the project site is Transit-Oriented Mixed Use. **The proposed project is consistent with the Santa Clara General Plan.**

GOALS AND POLICIES

Land Use Element (Residential) Policy No. 3
"Encourage new ownership or rental housing in mixed use designations and near major transit services, where compatible with adjacent neighborhoods, especially ownership or rental. Mixed Use or Transit-Oriented Development housing should be oriented towards the thoroughfare, minimizing impacts on existing single family homes."

The project proposes the addition of up to 490 single family attached residential dwelling units. The project is a Transit-Oriented Mixed Use development that is oriented north via a right-in, right-out only driveway on El Camino Real and via three driveways onto Halford Avenue. There are existing bus routes on El Camino Real. Existing single family attached residential uses are located to the south and southwest of the site.

Land Use Element (Residential) Policy No. 4
"Encourage the annual construction of the number of housing units necessary to meet the City's regional housing needs determination, including housing for lower and moderate income households."

The project proposes the addition of up to 490 single family attached residential dwelling units (including 10 percent affordable housing), which will increase the City's share of the regional housing needs.

Land Use Element (Commercial) Policy No. 8
"Enhance the attractiveness and business growth of commercial uses along El Camino Real and Stevens Creek Boulevard while ensuring compatibility with adjacent and onsite residential uses."

The project would remove the existing restaurant building and large frontage parking area along El Camino Real, and construct a high quality mixed use development with street-level office and commercial with housing above while retaining the existing Kohl's store. The project would provide prominent entries from El Camino Real and Halford Avenue, and would place the majority of parking out of public view.

Housing Element (Neighborhood Conservation) Policy No. C
"Promote compatibility between neighboring developments."

The design of site entry points and onsite circulation to minimize offsite traffic congestion and the incorporation of lowered building massing and tree screenings along the site's southwesterly, southerly and/or easterly boundaries would reduce the project's impact on the existing residential areas to the south and southwest.

Housing Element (Housing Sites and Production) Policy No. H
"Encourage higher density residential development in transit-oriented mixed use areas where appropriate."

With the 490 single family attached residential dwelling units proposed as part of the transit-oriented mixed use development, the project density will be 39.2 dwelling units per acre.

Environmental Quality Element (Water Resources) Policy No. 14
"Regulate the type, location and intensity of land uses within flood-prone areas."

The project site is within the limits of potential inundation with the occurrence of a one percent flood; however, the buildings will be designed so that the finished floor is above the projected FEMA flood level, and an onsite drainage system will be constructed.

Environmental Quality Element (Noise) Policy No. 22
"Comply with City, State and Federal guidelines for the compatibility of land uses with their noise environments, except where the City determines that there are prevailing circumstances of a unique or special nature."

The project will comply with City, State and Federal guidelines through building design and the provision of closed windows and specified STC rated windows, the design and construction of air-conditioning units and other mechanical equipment to meet specified noise levels at the residential property lines to the south and west, and the regulation of construction equipment noise levels and hours of operation.

Environmental Quality Element (Open Space) Policy No. 29
"Promote private open space and recreation facilities in large-scale residential developments and employment centers in order to meet a portion of the urban open space and recreation needs that will be generated by the development."

The courtyard of Building V will be landscaped with in-ground landscaping, as this building will be designed to accommodate the necessary depth of soil. Amenities will include a children's playground, small picnic area (picnic tables and barbecues) with grass and small shade trees, and fitness areas. The courtyards in Buildings II and VI will be landscaped using portable elements like flower bins and potted trees.

Conclusion

Overall, the proposed project is consistent with the applicable goals and policies of The City of Santa Clara General Plan 2000 - 2010.

C. SAN FRANCISCO BAY REGIONAL WATER QUALITY CONTROL PLAN (BASIN PLAN)

The California Legislature established the State Water Resources Control Board and nine Regional Boards in 1967 to address water issues within the state. The San Francisco Bay Regional Water Quality Control Board regulates surface water and groundwater quality in San Francisco Bay. The Basin Plan is the master policy document that contains descriptions of the legal, technical and programmatic bases of water quality regulation in the San Francisco Bay region. The Plan includes: 1) a statement of beneficial water uses that the Regional Board will protect; 2) the water quality objectives needed to protect the designated beneficial water uses; and 3) the strategies and time schedules for achieving the water quality objectives. The Basin Plan provides a definitive program of actions designed to preserve and enhance water quality and to protect beneficial uses in a manner that will result in maximum benefit to the people of California. The intent of this comprehensive planning effort is to provide positive and firm direction for future water quality control.

The Regional Board administers the National Pollutant Discharge Elimination System (NPDES) program to control municipal and industrial wastewater discharges, as stormwater runoff contributes much of the pollutant loading. The emphasis is on preventing pollution before it occurs by managing resources more carefully, as opposed to cleaning up pollution after the fact.

A revised NPDES Municipal Separate Storm Sewer System (MS4) Permit establishes two types of requirements for new and redevelopment projects: pollutant control measures and peak flow control measures. Stormwater pollution can be reduced by a combination of site design, source control, and treatment Best Management Practices (BMPs). The Permit also requires that the City begin implementing specific numeric sizing hydraulic design calculation methods for stormwater BMPs.

In accordance with the stormwater discharge requirements of the NPDES General Permit, the project includes plans that address both construction and post-construction periods and specifies erosion and sediment control measures, waste disposal controls, maintenance responsibilities and non-stormwater management controls.

Conclusion

The proposed project would be consistent with the San Francisco Bay Regional Water Quality Control Plan.

D. SANTA CLARA VALLEY URBAN RUNOFF POLLUTION PREVENTION PROGRAM

The Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) is an association of 13 cities and towns in the Santa Clara Valley, together with Santa Clara County and the Santa Clara Valley Water District. The Program was developed in accordance with the requirements of the 1986 San Francisco Bay Basin Water Quality Control Plan for the purpose of reducing water pollution associated with urban stormwater runoff. This Program was also designed to fulfill the requirements of Section 304(1) of the Federal Clean Water Act, which mandated that the EPA develop National Pollutant Discharge Elimination System (NPDES) Permit application requirements for various stormwater discharges, including those from municipal storm drain systems and construction sites.

The State Water Resources Board implemented a NPDES general construction permit for the Santa Clara Valley. For properties of five acres or greater, a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) must be prepared prior to commencement of construction. The Urban Runoff Pollution Prevention Program assists the co-permittees in implementing the provisions of this permit.

Provision C.3 of SCVURPPP's NPDES permit to discharge stormwater provides enhanced performance standards for the management of stormwater at new development and significant redevelopment projects. New projects and significant redevelopment projects are required to design and implement stormwater treatment Best Management Practices (BMPs) to reduce stormwater pollution to the maximum extent practicable.

The preparation and submittal of a NOI and a SWPPP to the Regional Water Quality Control Board to comply with the stormwater discharge requirements of the NPDES General Permit are included in the proposed project, as detailed in section III. I. Hydrology and Water Quality. BMPs in accordance with Provision C.3 of the NPDES Permit would be included.

Conclusion
The proposed project would be consistent with the Santa Clara Valley Urban Runoff Pollution Prevention Program.

E. SANTA CLARA COUNTY CONGESTION MANAGEMENT PROGRAM

The Santa Clara Valley Transportation Authority (VTA) oversees the Santa Clara County Congestion Management Program (CMP). The relevant State legislation requires that all urbanized counties in California prepare a CMP to obtain each county's share of the increased gas tax revenues. The CMP legislation requires that each CMP contain five mandatory elements: 1) a system definition and traffic Level of Service (LOS) standard element; 2) a multimodal performance measures element; 3) a transportation demand management and trip reduction element; 4) a land use impact analysis program element; and 5) a capital improvement program element. In addition to these five elements, other actions, such as the development of a countywide transportation model and deficiency plans, are necessary to meet the requirements of the statute. The CMP is also guided by the five broad goal areas identified in VTA's Strategic Plan: 1) enhance customer focus, 2) improve mobility and access, 3) integrate land use and transportation, 4) maintain financial stability and 5) increase employee ownership.

A CMP analysis was performed for six intersections that would be affected by the proposed project, as detailed in section III. M. Transportation / Traffic and in the transportation impact analysis in the Technical Appendix. All of the CMP intersections analyzed would conform to the CMP LOS standard and policy with the addition of project traffic.

Conclusion

The proposed project would be consistent with the Santa Clara County Congestion Management Program.